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EXAMINER

FELTEN, DANIEL S

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 06/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/581,916

Applicant(s)

JACO I

Examiner

D. Felten

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 6/19/2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 29-47 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 29-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 6) ☐ Other:

**DETAILED ACTION**

1  
2  
3  
4  
5 1. Receipt of the Preliminary Amendment filed June 19, 2000 canceling claims 1-28 and  
6 adding claims 29-47 is acknowledged. Claims 29-47 are pending in the application and are  
7 presented to be examined upon their merits.  
8  
9

10 ***Claim Rejections - 35 USC § 103***  
11

12 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
13 obviousness rejections set forth in this Office action:

14 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in  
15 section 102 of this title, if the differences between the subject matter sought to be patented and the prior art  
16 are such that the subject matter as a whole would have been obvious at the time the invention was made to a  
17 person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be  
18 negated by the manner in which the invention was made.  
19

20 3. Claims 29-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutman  
21 (US 5,221, 838) in view of Vazvan (WO 97/45814).  
22

23 **Re claim 29:**

1 Gutman discloses a process enabling financial transactions between a purchaser, at least one  
2 seller and at least one financial institute (see Gutman, fig. 5A-E, col. 12, ll. 33+), wherein:

3 - a first connection is set between an electronic purse carried by the purchaser and a financial  
4 institute from which the purchaser is related to,

5 - at least a second connection is set between said electronic purse carried by the purchaser and a  
6 cashing device owned by the seller, and

7 - for said second connection or any other second connection, a third connection is set between  
8 said cashing device owned by a seller and the financial institute from which the purchaser is  
9 related to (see Gutman, fig. 5C, col. 14, ll. 17+),  
10  
11  
12

13 Gutman fails to disclose an identification code from said electronic purse is transmitted when  
14 each of said connections is set. Vazvan discloses an identification code (contact codes or PIN  
15 codes ) from an electronic purse is transmitted when each of said connections is set (see Vazvan,  
16 Abstract, page 2, ll. 30+). It would have been obvious for an artisan of ordinary skill in the art at  
17 the time of the invention to integrate the aforementioned features into Gutman because an artisan  
18 at the time of the invention would recognize and have been familiar with the uses of contact  
19 codes and PIN codes, as taught by Vazvan, would have been familiar of notoriously old and well  
20 known use of an identification code to provide security against fraudulent transactions. Thus an  
21 artisan would have desired to provide the user with such protection beginning an obvious  
22 expedient to one of ordinary skill in the art.

1 **Re claim 30:.**

2 Gutman discloses the third connection is set through a second financial institute from which the  
3 seller is related to (see Gutman, col. 14, ll. 17+).  
4

5 **Re claim 31:**

6 Gutman discloses the first connection is of radio-electric type on at least a portion of its path, and  
7 wherein the third connection transits on the telephone network for at least a portion of its path  
8 (see Gutman, col. 4, ll. 36+; and col. 11, ll. 9+; and col. 13, ll. 24+).  
9

10 **Re claim 32:**

11 Gutman fails to discloses wherein the first connection of radio-electric type is realized by a  
12 mobile phone. This is disclosed by Vazvan (see Vazvan, abstract). It would been obvious for an  
13 artisan of ordinary skill in the art to modify Gutman to provide the mobile communication  
14 features of Vazvan because an artisan would recognized the notoriously old and well known  
15 advantages that wireless audio communication would have as an alternative to a wireless full-text  
16 messaging pager system especially in situations where visualization of full-text communication is  
17 not possible. Thus Gutman would have sought to integrate the notoriously old and well features  
18 of a mobile phone, as disclosed by Vazvan into the electronic purse to provided added  
19 convenience and flexibility of communication between parties. Thus such a modification would  
20 be considered an obvious expedient well within the ordinary skill in the art.  
21

22 **Re claim 33:**

1 Gutman discloses that the second connection is realized by a connecting cable which links a  
2 connector of the electronic purse to a connector of the cashing device or by a card including  
3 writable memory means, or is of radio-electric or infrared type (see Gutman col. 5, ll 44+; and  
4 col. 4, ll. 44+).

5  
6 **Re claim 34:**

7 Gutman disclose that the first connection includes in particular the steps of  
8 - transmission of a PIN code (see Gutman, col. 2, ll. 7+; and col. 14, ll. 17+)  
9 - transmission of a spending authorization request for a specific amount of money, and  
10 transmission of a spending authorization of the specific amount of money, and/or transmission of  
11 the specific amount in electronic money ( see Gutman, col. 14, ll. 17+).

12  
13 **Re claim 35:**

14 Gutman discloses that the second connection includes in particular the steps of:  
15 - transmission of the spending authorization of a specific amount of money, and/or - transmission  
16 of the specific amount in electronic money (see Gutman, col. 14, ll. 17+).

17  
18 **Re claim 36:**

19 Gutman discloses wherein the third connection includes in particular the steps of:  
20 - transmission of an identification code from the cashing device (see Gutman, col. 2, ll. 7+), and  
21 - transmission of the spending authorization of a specific amount of money, and/or  
22 - transmission of the specific amount in electronic money (see Gutman, col. 14, ll. 17+).

1   **Re claim 37:**

2   Gutman discloses wherein the first and/or second connection includes in particular a step of  
3   - transmission of a recognition code of a parameter suitable for the buyer, said buyer introducing  
4   said parameter by a keyboard of the electronic purse and/or by a recording device of said  
5   parameter, said recognition code being separately transmitted or combined with the identification  
6   code from the electronic purse (see Gutman, col. 14, ll. 17+; and col. 2, ll. 7+).

7  
8   **Re claim 38:**

9   Gutman discloses wherein it includes following means:  
10   - a first device for establishing a first connection between an electronic purse carried by the buyer  
11   and a financial institute from which the buyer is related to,  
12   - a second device for establishing a second connection between the electronic purse carried by the  
13   buyer and a cashing device owned by a seller, and  
14   - a third device for establishing a third connection between said cashing device owned by a seller  
15   and the financial institute from which the buyer is related to  
16   - said first, second and third devices for establishing a connection being able to transmit an  
17   identification code from the electronic purse (see Gutman fig. 5A-E, col. 12, ll. 33+; and col. 14,  
18   ll. 17+).

19  
20   **Re claim 39:**

21   Gutman discloses wherein the third device for establishing a third connection includes  
22   connecting means between the cashing device owned by a seller and a financial institute from

1 which the seller is related to, and other connection means between said financial institute from  
2 which the seller is related to and the financial institute from which the buyer is related to (see  
3 Gutman fig. 5A-E, col. 12, ll. 33+; and col. 14, ll. 17+).  
4  
5  
6  
7

8 **Re claim 40:**

9 Gutman discloses an electronic purse being part of a system for executing a process enabling  
10 financial transactions between a purchaser, at least one seller and at least one financial institute,  
11 wherein it includes in particular:

- 12 - a first device for establishing a first connection with a financial institute, and - a second device  
13 for establishing a second connection with a cashing device,  
14 - said devices for establishing a first and a second connections being able to transmit an  
15 identification code from said electronic purse (see Gutman, fig. 5A-E, col. 12, ll. 33+).  
16

17 **Re claim 41:**

18 (see explanation for claim 32)  
19

20 **Re claim 42:**

21 Gutman discloses wherein the second device for establishing a second connection includes in  
22 particular a device for introducing a chip card and a device for writing in a writable memory of



1 said chip card, and/or transmitting and receiving means of radio-electric or infrared type (see  
2 Gutman col. 5, ll 44+; and col. 4, ll. 44+).

3  
4 **Re claim 43:**

5 Gutman discloses wherein the second device for establishing a second connection includes in  
6 particular a connector for a connection by cable with said cashing device (see Gutman, col. 9, ll.  
7 27+).

8  
9 **Re claim 44:**

10 Gutman discloses wherein it is controlled by a computer programmable to carry out a financial  
11 transaction according to any currency (see Gutman col. 5, ll 44+; and col. 4, ll. 44+).

12  
13 **Re claim 45:**

14 Gutman discloses wherein it includes further computer means and bar code reading means (see  
15 Gutman, col. 5, ll. 1+).

16  
17 **Re claim 46:**

18 Gutman fails to discloses wherein characterized in that it includes further beacon means  
19 allowing to localize it (see Gutman col. 4, ll. 44+).

20  
21 4. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gutman  
22 modified by Vazman as applied to claim 1 above, and further in view of Kawan (US 5,796,832).

1  
2 **Re claim 47:**

3 Gutman as modified by Vazman fails wherein it includes further a separated remote control able  
4 to send a signal toward said electronic purse in order to deactivate it, and/or a sensitive zone able  
5 to record a parameter suitable for the user such as a fingerprint or a signature . These features  
6 are disclosed by Kawan (see Kawan, col. 7, ll. 49+). It would have been obvious for an  
7 artisan of ordinary skill at the time of the invention was made to employ the teachings of  
8 Kawan disclosing the aforementioned features to Gutman as modified by Vazman, because an  
9 artisan at the time of the invention would realize that such features would provide an  
10 alternative means of security that are notoriously old and well known within the art. Thus an  
11 artisan at the time of the invention would have recognized and have been familiar with the  
12 various advantages and disadvantages of remote deactivation and/or biometric or digital  
13 signatures disclosed within the Kawan system and have sought to used such techniques to  
14 further improve the security of Gutman as modified by Vazvan system. Thus such features  
15 would have constituted an obvious expedient well within the ordinary skill in the art.

16  
17 ***Conclusion***

18  
19 5. A list of relevant prior art appears below not relied upon in this Office Action:

20 **US Patents:**

21 Brands (US 5,668,878) discloses a secure cryptographic methods for electronic transfer of  
22 information

23 Matyas (US 5,231, 666) discloses cryptographic method of updating financial records

1 **Foreign Patents:**

3 **Non-Patented Literature:**

5 6. Any inquiry concerning this communication or earlier communications from the examiner  
6 should be directed to ***Daniel S. Felten*** whose telephone number is (703) 305-0724. The  
7 examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday.  
8 Any inquiry of a general nature relating to the status of this application or its proceedings should  
9 be directed to the Customer Service Office (703) 306-5631, or the examiner's supervisor  
10 ***Vincent Millin*** whose telephone number is (703) 308-1065.

12 7. Response to this action should be mailed to:

14 Commissioner of Patents and Trademarks

15 Washington, D.C. 20231

17 for formal communications intended for entry, or (703) 305-0040, for informal or draft  
18 communications, please label "Proposed" or "Draft".

19 Communications via Internet e-mail regarding this application, other than those under 35  
20 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be  
21 addressed to [*daniel.felten@uspto.gov*].

22 All Internet e-mail communications will be made of record in the application file. PTO  
23 employees do not engage in Internet communications where there exists a possibility that  
24 sensitive information could be identified or exchanged unless the record includes a properly  
25 signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly

Serial Number: 09/581,916

Applicant(s): Jacot (705/41)

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Representative: Griffin (19,334)

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1 set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and  
2 Trademark on February 25, 1997 at 1 195 OG 89.

3  
4  
5 

6 DSF

7 June 18, 2003

  
VINCENT MILLIN  
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